

Facsimile Number: 703-872-9306
Attorney Docket: 22091-701

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

n Re the Application of: John L. Schenk
Serial Number: 09/478,299
Filed: January 5, 2000
Parent Title: Method of Cryopreserving Selected Sperm Cells
Group Art Unit: 1654
Examiner: M. Meller
Assignee: XY, Inc.

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RESPONSE and REQUEST for RECONSIDERATION (37 C.F.R. § 1.111)

Mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This amendment and request for reconsideration is in response to the Examiner's Office Action communication (Paper No. 25) mailed April 18, 2003. In that action, the Examiner acknowledged restriction of Claims 40-41, 55-56, 60-62, 65, and 67; questioned issues as to claims 38-39, 42-54, 57-59, 63-64, and 66 under 35 U.S.C. § 112; and expressed concerns with regard to all claims in view of certain references under 35 U.S.C. §103. To respond to all issues, this amendment and request for reconsideration is submitted. This response is made in accordance with 37 C.F.R. 1.121 as amended using the format with each heading beginning on a separate page as follows:

1. Amendments to the Claims are reflected in the listing of all claims beginning on separate page 3 of this response; and
2. Remarks begin on page 9 of this response.

In accordance with the amendment directions provided in 37 CFR 1.121 as recently changed, please amend claims 38, 40-1, 43-44, 60-64, and 66. Each amendment is believed to have been made in accordance with Rule 121, however, should any unintended informality exist, it is requested that the undersigned be contacted by telephone so that it may be resolved as expediently as possible.